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PROMOTION AND PROTECTION OF THE RIGHTS OF CHILDREN

Letter dated 10 October 1997 from the Chargé d'affaires a.i. of Cuba to the United Nations addressed to the Secretary-General

I have the honour to transmit to you the views of the Government of the Republic of Cuba concerning the observations of the Committee on the Rights of the Child on Cuba's initial report to that treaty body.

I should be grateful if you would have this letter and its annex circulated as an official document of the fifty-second session of the General Assembly under agenda item 58 entitled "Promotion and protection of the rights of children".

(Signed) Pedro NUÑEZ-MOSQUERA
Ambassador
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ANNEX

Views of the Government of the Republic of Cuba concerning document CRC/C/15/Add.72 containing the observations of the Committee on the Rights of the Child on Cuba's initial report

The Government of the Republic of Cuba deems it appropriate to state its views on the conclusions and recommendations of the Committee on the Rights of the Child concerning Cuba's initial report and requests that these views should be included in full in the report to be submitted by the Committee to the General Assembly.

Cuba took part in the discussion of its first national report knowing that however detailed and complete a report may be, it does not always succeed in describing the true situation of the rights of the child in a given country, because in the end the life and the particular experiences of each country cannot be reflected in their full dimensions in a few pages of text or in statistical tables. At the same time, Cuba hoped to receive more specific guidance and useful recommendations concerning its targets and challenges from individuals whose personal experience is enhanced by a full grasp of the Convention and the topics with which it deals.

It was with amazement and surprise that the Cuban authorities received the Committee's conclusions and recommendations in view of the content of the report which it had submitted as a State party to the Convention, which was amply supplemented by the written replies to the 48 questions put by the Committee on the issues needing to be considered in connection with the report and by the presentation given by the Cuban delegation which attended the Committee's fifteenth session.

The Cuban Government considers the Committee's approach, suggestions and recommendations to lack all balance. On more than one occasion the Committee seems to exceed its mandate, which is nothing more than the mandate of the Convention on the Rights of the Child itself, and to state views and make recommendations about situations and texts which fall outside its competence. Perhaps the most important example of this is provided by the question of the follow-up of the recommendations of the Stockholm World Congress against the Commercial Sexual Exploitation of Children, which, as everyone is aware, are only declaratory, quite apart from being the result of a meeting convened outside the United Nations system.

The Committee's observations show an inexplicable quantitative and qualitative imbalance between the positive (5) and the negative (16) aspects. Several of the observations distort the facts and have no true foundation in Cuba's report, in the additional information provided or in the Cuban reality. Furthermore, the Committee offers no evidence to support its assertions, which exist only because the Committee makes them.

In much of the statement of its concerns the Committee displays an intention of calling into question Cuba's institutional and legal system,

forgetting that in accordance with the principles of the Charter of the United Nations and of international law it is for the Cuban people alone to take sovereign decisions on its institutional and legal arrangements, a right which it has been exercising daily for almost 40 years.

The Committee acknowledges, to be sure, some progress in the social sector, but it appears to be more concerned about civil and political rights and freedoms, with respect to which, without foundation, it discovers further difficulties and makes more insistent recommendations, instead of applying the concept of the universality, interconnectedness, interdependence and interrelationship of all human rights in accordance with the 1993 Vienna Declaration and Programme of Action. The Committee, so preoccupied at times with the holistic approach of the Convention, seems to have disregarded that premise of its work when evaluating Cuba's report.

From a detailed point-by-point analysis of the Committee's views the Government of Cuba finds it essential to emphasize the following points.

Positive aspects

Paragraphs 3 to 7

The positive aspects leave out of account the major progress made by Cuba and the remarkable nature of such progress in view of the great difficulties confronting the nation.

Since the Committee omits the point, it must be emphasized that, as the United Nations Children's Fund (UNICEF) has acknowledged, in many areas Cuba has reached or exceeded the targets proposed for 2000 by the World Summit for Children.

The Committee's view is also in contradiction with the fact that Cuba's situation and its main social indicators place it in the vanguard of the developing countries, at levels comparable with those of the developed countries.

The aspects confirmed by statistics but omitted by the Committee include the reduction and low incidence of the main diseases that cause infant mortality, the high rates of access to drinking water and sanitation, the non-discriminatory nature and equality of opportunity in universal and free access to the highest standards of education, health and other services, the high rate of school attendance, and the non-existence of child labour.

Factors and difficulties impeding the implementation of the Convention

Paragraph 8

The obstacles and difficulties were inexplicably reduced to only two, while other obvious factors were disregarded.

In an apparent desire not to involve itself in political issues, the Committee did not mention the Government of the United States of America as

being mainly responsible for what the Committee euphemistically calls an "embargo", reducing it to the trade aspect alone without taking into account the fact that the most universal and democratic forum of the United Nations, the General Assembly, has adopted by overwhelming majorities for the last five years several resolutions which explicitly define the "embargo" as an economic, trade and financial blockade imposed by the United States of America against Cuba.

Furthermore, the brief reference to the blockade plays down its serious implications for the realization of the human rights of the Cuban people, in particular the rights of the child, as outlined in the report.

Among other consequences, the blockade means additional expenditure for Cuba and a cut in the resources available for use to secure a greater improvement in the rights of the child and increase the supply of goods and services. It also constitutes an attack on the rights to life and health, for it impedes access to medicines and medical technology and equipment, which are sometimes available only in the North American market since the United States, which has a global share of 50 per cent of the new medicines market, leads the world in the development of new medicinal drugs and medical equipment and in the marketing of these products.

Principle subjects of concern, suggestions and recommendations

Paragraph 9

The Committee cannot possess and does not produce any evidence to support its assertion that insufficient steps have been taken to study and review the compatibility of Cuba's legislation with the provisions of the Convention or to justify the corresponding recommendation in paragraph 26; the assertion and recommendation are therefore unacceptable. Cuba's report and the written replies to the Committee's questions provided before the discussion of the report demonstrate quite the reverse.

Paragraph 10

The view that insufficient steps have been taken to reflect adequately in the report of the State party all the rights provided for in the Convention is unwarranted. In any event, it should have been acknowledged that the constitutional, legal and practical policy safeguards protecting children in Cuba predate the Convention itself and go further in their application than its provisions.

Paragraphs 11 and 28

The statement concerning the adoption of a sectoral approach by the mechanisms monitoring the implementation of the Convention and their ineffectiveness in reflecting the holistic approach is an unjust comment. Children receive special and priority attention in Cuba, thanks to the political will of the State, which renders feasible an integrated, systematic and multi-agency approach. Moreover, as stated in paragraph 37 of the report, Cuba has a National Action Programme for Children, which was evaluated in 1992, 1993 and 1994.

The existing mechanisms have demonstrated their effectiveness and are well suited to economic, political and social structures and conditions, while issues relating to children have sufficient political visibility, thanks to the involvement of the entire population through the exercise of participatory democracy.

Paragraph 12

As to the alleged lack of an independent mechanism, such as an Ombudsperson, to deal with complaints of the violation of children's rights, it should be emphasized that the protection of children in Cuba is a priority concern of society as a whole and of the State, which manifests that concern through the design and implementation of a system of policies aimed at promoting the maximum well-being, development and protection of children. This tutelary system for children is made up of subsystems, namely the systems of education, health and social welfare, law enforcement, legal and police action, administration of justice and participatory democracy, which include community-based machinery accessible to children through which violations of their rights are detected and processed with a view to the provision of remedies.

The efforts of socialization agents and the authorities in the macro-environment, the micro-environment and at the individual level enable educators, beginning at the preschool level, family physicians attending to social cases, social workers in State entities and non-governmental organizations, officials concerned with minors such as the police specialized in their protection, the family itself, other agents of the community and the José Martí Pioneers Organization (a non-governmental organization which children join voluntarily and which assists in their education and protection), as well as the Public Prosecutor's Office in its work of processing complaints and claims, to serve as channels for the petitions of boys and girls and also identify causes for complaint when children have not wanted or have not been able to submit information on violations of their rights.

Paragraphs 13 and 30

It is true that statistics in Cuba are collected only for children up to the age of 15. The reason lies in the national legal order. The Government of Cuba would draw the Committee's attention to article 1 of the Convention, which defines the child as every human being below the age of 18 years unless, under the law applicable to the child (and this is the case in Cuba for certain acts), majority is attained earlier.

Paragraphs 14 and 31

The measures adopted and being fully implemented to promote knowledge of the Convention and its implementation are:

(a) The inclusion in general education curricula of study of the Constitution and the major provisions of national legislation, in which the principles and provisions of the Convention are fully reflected;

(b) Analysis of the text of the Convention and conduct of practical activities during teacher training;

(c) The publication of the Cuban edition, which contains an explanation of how the Convention is applied in Cuba, will disseminate knowledge of the Convention more rapidly and more extensively;

(d) The "For Life" programme plans broad dissemination among other sectors, during the remainder of 1997, including other theoretical and practical material;

(e) All the heads of the mother and child care programme in the provinces have copies of the Convention, which have been distributed in municipalities and health units;

(f) In 1996, three territorial meetings were held at the regional level (western, central and eastern) dealing in depth with the Convention;

(g) A national event was held during the past year, organized by the National Psychiatry Group, in which child psychiatrists, psychologists, paediatricians, family physicians and nurses took part; it devoted one session to the Convention.

Paragraphs 15, 32 and 38

As regards the minimum age for sexual consent and harmonization between the age for the completion of schooling and the minimum age for employment, it should be noted that Cuban legislation employs, as does the legislation of a number of other countries, various age parameters for the discharge of functions, duties or responsibilities of a civil, penal, and administrative nature which are determined, not solely by chronological age, but also by the average socio-political-somatic age imparted by the development of the country and the educational level and socio-psychological characteristics of the population.

It will be recalled that the Government of Cuba, when it ratified the Convention, made a single declaration, relating to article 1, since the majority age in Cuba is not 18 years for all civil acts under current national legislation.

The review of the Labour Code is now in progress, and consideration is being given to a number of changes in the chapter on work by children in order to harmonize it with the ILO Convention concerning Minimum Age for Admission to Employment (No. 138). The Labour, Protection and Hygiene Act and its regulations (Act No. 13, 1977), are also to be submitted for review and possible modification; the chapters on the work of children will be altered to reflect the current situation in Cuba and some of the findings of the ILO Committee of Experts on the Application of Conventions and Recommendations.

Although, in practice, compulsory education in the national system of education consists of primary education and basic middle education (basic secondary), its compulsory nature has not been established expressly by law,

since the Act promulgated in 1959 (No. 680/59) provided for compulsory education up to 12 years of age and the sixth grade of primary schooling, and its provisions have not been modified since. This omission may give rise to doubts regarding the actual existence of compulsory education, which is established in practice but not by law.

In accordance with the Convention, a minimum age for marriage has been set in Cuba. It is 18 years, as provided for in the Family Code, which establishes a number of exceptions. The proposals for new family code formulated in the wake of a number of studies, include: maintaining the age of 18 years for regularizing marriage in the case of persons of both sexes; and raising the age from 14 to 16 years in the case of females and maintaining the current age in the case of males when the law authorizes the regularization of a marriage on an exceptional basis.

Paragraphs 16 and 33

The views of the Committee that insufficient measures have been taken to ensure implementation of the general principles of the Convention such as the best interests of the child and respect for the views of the child, are unfounded and unfair.

The report shows that the slogan "there is nothing more important than a child" has been the basic premise of policy and daily practice for the Government of Cuba and non-governmental organizations since 1959, as confirmed by the Constitution and the large body of national legislation such as the Family Code and the Childhood and Youth Code. That slogan could be considered a precursor of the principle contained in the Convention, of acting in "the best interests of the child", which is always a factor in the design and implementation of national policies and actions concerning children.

Cuba's constitution and laws have for many years prohibited and punished discrimination based on race, sex, religion, political opinion or any other pretext and full equality is guaranteed. The Criminal Code provides for the crime of violating the right to equality, in order to punish those who commit acts of discrimination.

Part IV of the report presented by Cuba, referring to civil rights and freedoms, beginning in paragraph 41, explains how children are able to make their views known and how respect for their views is ensured. The Criminal Code also imposes penalties on anyone who in any form hinders another's free and full enjoyment of those freedoms guaranteed by the Constitution and by the law.

The Cuban school is a space where boys and girls may act out their social and political roles, which has a far-reaching effect given the fact that education is universal. Their views are also listened to in activities outside school and in the community, an idea which has put its stamp on the congresses of the José Martí Pioneers Organization. In a practice which is rather rare in the world, these congresses, in plenary session with the Government and the President, analyse their concerns, needs and views and have thus helped perfect the educational system as well as programmes for children.

One of the principle measures taken by the Government of Cuba to guarantee these precepts is to the large-scale promotion of high levels of school attendance; for this reason, in many families adolescents and young people have higher levels of education than their parents, thereby providing one more basic reason for respecting the views of the child.

Studies on the family undertaken in Cuba have shown greater flexibility and democracy in family relations, an increase in the flow and exchange of ideas, in freedom of opinion, and in collective decision-making, amongst other changes. In addition, their results indicate that there is greater tolerance and use of persuasion in the educational methods used within families.

Paragraphs 17 and 34

The Government of Cuba does not share the view of the Committee concerning the insufficiency of information concerning the civil rights and freedoms of children, because its report, especially part IV, provided sufficient information on all the rights which children in Cuba enjoy in full.

It should also be pointed out that children are present at meetings to nominate candidates for community elections; they are put in charge of ballot boxes; they express their views freely in school and in other educational, cultural and sports centres, in order to help them run more smoothly; they can express grievances and make demands; they can lodge formal complaints when they are victims of sexual abuse or when they have been denied their rights; from the age of 10 they may in specific instances legally act in their own behalf to meet the normal needs of daily life, for example in exercising control over any allowance they may receive and over their remuneration once they reach working age, in accordance with the provisions of article 30 of the Civil Code.

The José Martí Pioneers Organization is self-governing, with periodic democratic elections to elect leaders for the collectives.

Paragraph 18

Concerning the supposed absence of independent mechanisms for monitoring the situation of children in institutions, Cuba believes that it is obvious that there are many different monitoring mechanisms, such as the family, the public prosecutor and the national and provincial advisers and inspectors responsible for education and re-education.

However, monitoring is basically carried out by governmental and non-governmental bodies which reflect the various interests of the community, given the close and multifaceted links between the institution in question, the President of the People's Council and the district delegates to the municipal assemblies, who are popular leaders, elected by direct secret ballot; all of these act as mechanisms for participatory democracy in the community where the institution is located.

Inspection, assistance and monitoring by social workers and other representatives from the women's organization, by the children's own organization and by neighbours who are members of the Committees for the Defence

of the Revolution, as well as the presence of representatives from workers' and farmers' unions working with the administration of the institution, keeping in mind the principles of the Convention, make it possible to identify, and provide real and effective solutions for, problems which may arise; nevertheless, a constant effort is made to improve the monitoring mechanisms in order to achieve the greatest possible effectiveness.

Paragraphs 19 and 35

The great effort made by Cuban society as a whole and the Cuban State to prevent and deal with abuse and mistreatment of children, where there is always room for improvement, is not limited to early warning, but is rather a multisectoral, multidisciplinary, interlinked system based on a holistic approach and under constant review.

The current system does not simply wait for accusations or claims to be made, but is rather designed so that monitoring by State bodies and non-governmental organizations can identify violations of children's rights in time, while the educational system operates independently to teach boys and girls about their rights and the methods and channels for making complaints in appropriate cases, to the police, the prosecutor's office and other authorities or governmental or non-governmental institutions. The basis for this is article 63 of the Constitution.

Paragraphs 20 and 40

The concerns about the increase in the number of children exhibiting antisocial behaviour and the adequacy of existing mechanisms to address those problems are dealt with in paragraphs 121 to 127, 129 and 132 of Cuba's report, while paragraphs 69 to 72 refer to the scientific and comprehensive approach used in the treatment of those minors.

The Committee's concerns apparently stem from the critical attitude adopted in paragraph 134 of the national report towards five areas where work was continuing in order to improve the treatment of children with behavioural problems.

While what is described there could be regarded as inadequacies, the existing mechanisms both in schools and in neighbourhoods allow for high levels of identification, and all the boys and girls identified are evaluated and when necessary guaranteed places in specialized schools where, along with other professionals, graduates from Cuban universities with diplomas in deviant behaviour and specialized in behavioural disorders, use a psycho-social approach to prevention and control. In recognition of the success of the Cuban system in the area of specialized education, our country has for several years now been the home of the Latin American Special Education Reference Centre.

Cuba has also experimented with designating a working group made up of community representatives to be responsible for some of these minors who might otherwise be sent to re-education centres. Generally speaking, the focus is on the family and social environment of minors with behavioural disorders or who might potentially suffer from them.

Paragraphs 21 and 37

Cuba is allocating all possible available resources to family planning and health education. There are effective family planning programmes, with universal coverage and no account taken of marital status or whether the relationship is stable, although they could be better if we have available enough different types of contraceptive for each case, and in sufficient quantities; supply is a problem under current economic circumstances.

For many years now, Cuba has had intersectoral and multidisciplinary programmes for sex education and family planning, and schools for parenting skills and responsible mother- and fatherhood. These programmes prioritize community, school and family through the national health and education systems and all communications media, and run alongside those given by civil society organizations, such as the Federation of Cuban Women, through their mass education activities.

The programmes include educational activities and actions on sex education, family planning, and reproductive health with a view, inter alia, to avoiding unwanted pregnancies and getting rid of stereotypes and taboos by tackling, amongst other issues, the subjects of adolescent pregnancies, abortion and single parents. As a result, the ongoing follow-up on these issues and the spot checks we carry out have shown that male behaviour patterns have been changing, and males are participating in family planning.

In the management of children infected with sexually transmitted diseases and human immunodeficiency virus/acquired immune deficiency syndrome (HIV/AIDS), all necessary conditions and safeguards are in place at both community and health institution levels.

Paragraph 22

The Committee, for lack of school drop-out statistics - which it did not request - erroneously concluded that there has been a decline in the number of children enrolled in secondary education and in the availability of scholarships for children to continue their education. In Cuba's responses to the "Questionnaire on indices for follow-up to the Santiago Agreement targets" of July 1997, we gave a school drop-out rate of 0.8 per cent for the 1995-1996 school year, with 6.7 years as the average length of primary education, and an enrolment rate in the first year of secondary of 98.0 per cent (1996-1997 school year). The reduction in total numbers of secondary school students is attributable to changes in the country's demographic make-up and not to a lack of students enroling.

Paragraphs 23, 42 and 43

Drug abuse and trafficking and child suicides, labour and prostitution, on which the Committee erroneously concludes that Cuba has made insufficient efforts to devise preventive strategies, are not social problems in our country.

Drugs arriving in Cuba are basically in clandestine transit by air and sea from foreign traffickers to other countries, principally the United States, the

largest consumer market, and are almost all detected by customs and frontier controls. A very strict procedure for destroying the impounded drugs is followed and action is taken against traffickers in criminal court; as part of its deterrent and punitive function, the law sets out heavy penalties for these crimes. There is also strict control over the sale of medicaments that can be used for such purposes. There have been only very rare incidences of Cuban citizens growing a few plants in small quantities in their own homes, and heavy penalties have been applied against them also.

On the issue of begging, in Cuba no citizen is abandoned to his fate and childhood is the first priority, as is shown repeatedly in the report, so no child is forced to sleep in the streets or work to survive.

The recent change in the Criminal Code (17 July 1997) categorized and stiffened the penalties for specific acts related to procuring and traffic in persons by penalizing anyone inducing, colluding in or instigating another to enter prostitution and the sex trade (any action inciting or exploiting sexual relations for gain). The penalties are even heavier if those involved are under 16 or if the acts are committed by someone who has authority over or care or custody of the minor.

Similarly, for cases of sexual abuse, in law there are offences against the normal course of sexual relations. These carry penalties, for adults, for rape, statutory rape, incest, pederasty with violence, and lewdness. In all cases, minors are guaranteed the psychological care they require.

Also, wide-ranging educational/preventive work is being done with parents and with adults in general through the schools, neighbourhoods and mass media towards developing all aspects of minors' physical and spiritual lives.

As a result of socio-psychological, anthropological and other studies, in 1973 the age of criminal responsibility in Cuba was set at 16 - which was not in contradiction with the principles of the Convention when it entered into force - and up til now we have not needed to change it and provide protection against certain sexual behaviours up to age 18, as the Committee recommends in its report, as to do so would be contradictory.

Paragraph 24

The Committee's concern about the juvenile justice system is groundless, and was answered in paragraphs 119 to 146 of Cuba's report. It is obvious from the information furnished that the Cuban juvenile justice system is compatible with the principles and provisions of the Convention. For instance, paragraph 136 of the report shows specifically that different treatment is accorded in Cuba to prisoners not only up to the age of 18 but even up to the age of 30. Nor can it be a matter of concern to the Committee that children are incarcerated together with adults, because it is clearly stated in that same paragraph that prisoners under the age of 20, not just under the age of 18, serve their sentences in institutions designed specifically for them or in sections where they are kept separate from older prisoners.

Paragraph 25

As to the Committee's recommendation that Cuba should consider withdrawing its Declaration relating to article 1 of the Convention, the Government of Cuba cannot at this time make any commitment of that sort, because it is a matter that must be considered by collegiate institutional and even parliamentary bodies, and would entail the review and amendment of a number of laws after careful study of psycho-social, educational, cultural and other factors.

Cuba's legislation is not incompatible with article 1 of the Convention, which defines a child as "every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier". Paragraph 29 of Cuba's report indicates that the Civil Code of 1987 establishes that the age of majority begins on the 18th birthday or on marriage in the case of a minor, and that other ages may be established by law with respect to certain acts.

Paragraph 27

The Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption has been in existence only a very few years; it was signed on 29 May 1993, entered into force on 1 May 1995 and, as at 27 March 1997, had 29 signatory States, only 14 of which had ratified it. Moreover, unlike many other international instruments, its authentic texts are only in English and French and not in Spanish. Having an authentic text in Spanish would almost be a condition for further universalization of this instrument, because many countries, like Cuba, have Spanish as their official language.

Cuba scrupulously observes the main precepts of the 1951 Convention relating to the Status of Refugees. The nation's Constitution and legislation contain provisions on the granting of asylum to persons persecuted for various reasons, and in practice the Cuban Government has given shelter to thousands of refugees worldwide, especially from Latin America and Africa, who have, without discrimination of any sort, received the benefits of its social system. Currently, about 1,700 African refugees are taking advantage of the nation's scholarship plan for general, vocational and university education.

The 1951 Convention was recently studied by an interdisciplinary working group, and the conclusion was that at this time it is not possible for us to accede to it because it contains regulations that are in contradiction with the national policy on migration, which is determined in part by the context of harassment on the part of the United States that conditions the life of the country and has for decades politicized the migration policy and the refugee question.

Paragraph 29

Using the Convention on the Rights of the Child as a political tool and a framework for action on behalf of children and incorporating policies, programmes, aims and goals reflecting the principles of the Convention in future national and local programmes of action on children is not at odds with Cuba's

approach, which in essence reflects the principles and provisions of the Convention and has set, and in some cases achieved, objectives and goals more stringent than the precepts of the Convention. This outlook will continue to be the compass that guides our action on behalf of children.

Paragraph 36

Cuba is acting on the suggestion to focus even greater efforts on measures to prevent accidents involving children. This is the approach we have taken in our strategy for dealing with the problem by means of joint multi-institutional action by governmental bodies and civil society organizations.

There is a National Commission on Accidents, and in 1996, a national programme on accidents was launched which made provision for and carried out activities involving training, exchanges and research, and a Manual for the Prevention and Handling of Accidents was drawn up, circulated and distributed to primary health care clinics and hospital centres throughout the country.

In the Brief of Procedures (Carpeta Metodológica), the document that guides the work of the Ministry of Public Health, the question of accidents is one of those given priority in maternal and child health. Family doctors and nurses work directly in the community with families, in conjunction with 70,000 volunteer health workers from the Federation of Cuban Women, to detect any potential accident risks in homes and in the community, eliminate high-risk situations and train families in accident prevention. The press, radio and television also help teach prevention through frequent public announcements aimed at adults and children.

Paragraph 39

To add to the information given earlier on family reunification, it can be said that the Cuban Government, in giving special attention to the family as the fundamental unit of society, is making efforts to ensure the family's integrity and stability.

Minor children are under the patria potestas of their parents, and only in exceptional cases prescribed by law can that authority be suspended.

The problem of migration has no legal bearing on the possibility of family reunification in Cuba, because abandonment of the national territory is a cause for suspension of the patria potestas in cases where it has been proven in legal proceedings that parents have abandoned their children.

Paragraph 40

Night work by young people is one of the issues that will have to be studied in connection with Act No. 13 of 1977 on Protection and Healthy Conditions of Work and its implementing legislation, the provisions of which will have to be harmonized both with the present situation in Cuba and with International Labour Organization (ILO) Convention No. 79 as it applies to night work by young persons under the age of 18.

With respect to the suggestion that the implementation of articles 28 and 32 of the Convention should be monitored more closely with reference to labour questions, we are complying with article 32, and have a labour inspection system under which compliance with existing legislation is monitored, steps are taken as needed to eliminate actual violations of the law, and disciplinary or criminal proceedings are brought against offenders.

Paragraph 43

Publicizing of the initial report and the written responses to the Committee's list of issues began from the moment work started on them, in that both documents are the product of discussion and input from many specialists and professionals in various State and non-governmental institutions, the final results of which are available to anyone interested. Moreover, the contents of both documents represent the summation of programmes, plans, reports, laws and the like that were widely publicized earlier and will continue to be publicized in the future. Other forms of publicity will be considered in the light of the funds and material resources available for the purpose, as conditioned by the serious economic difficulties the country is experiencing and by other important priorities.

Paragraph 44

With this extensive information and these broad considerations, the Cuban Government has responded to the wishes of the Committee and has concluded its communications with the Committee regarding its initial report.